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ELECTRONICALLY FILED
DOC#: _____
DATE FILED: January 13, 2021

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v.-

\$97.18 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 932729168, HELD IN THE NAME
OF "SEFIRA TYSONS MANAGER, LLC;"

**STIPULATION AND ORDER
OF SETTLEMENT**

21 Civ. 169

\$380.00 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 932705036, HELD IN THE NAME
OF "SEFIRA TYSONS U.S. HOLDING, INC.;"

\$320,823.20 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 932735991, HELD IN THE NAME
OF "SEFIRA TYSONS OWNER, LP;"

\$2.00 IN UNITED STATES CURRENCY
FORMER CONTAINED IN CHASE BANK
ACCOUNT 293919392, HELD IN THE NAME
OF "SEFIRA IVY MANAGER, LLC;"

\$23,686.00 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 293916521, HELD IN THE NAME :
OF "SEFIRA IVY OWNER, LP;" :

\$13.01 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 317381827, HELD IN THE NAME :
OF "SEFIRA EAGLE MANAGER, LLC;" :

\$511,234.82 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 317505912, HELD IN THE NAME :
OF "SEFIRA EAGLE OWNER, LP;" :

\$8,642,406.99 IN UNITED STATES :
CURRENCY FORMERLY CONTAINED IN :
CHASE BANK ACCOUNT 317399811, HELD :
IN THE NAME OF "SEFIRA LOFTS :
MANAGER, LLC;" :

\$8,692,483.00 IN UNITED STATES :
CURRENCY FORMERLY CONTAINED IN :
CHASE BANK ACCOUNT 362983907, HELD :
IN THE NAME OF "SEFIRA RENAISSANCE :
MANAGER, LLC;" :

\$531,446.30 IN UNITED STATE CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 109716388, HELD IN THE NAME :
OF "SEFIRA TOWN CENTER OWNER, LP;" :

\$181.00 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 932699650, HELD IN THE NAME :
OF "SEFIRA WEBB BRIDGE MANAGER, :
:"

LLC;”

\$10,849.25 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 935585377, HELD IN THE NAME
OF “SEFIRA WEBB BRIDGE OWNER, LP;”

\$8.00 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 215827350, HELD IN THE NAME
OF “SEFIRA WESTON MANAGER, LLC;”

\$1.00 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 215832822, HELD IN THE NAME
OF “SEFIRA WESTON U.S. HOLDING, LLC;”

\$5,054.75 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 215815355, HELD IN THE NAME
OF “SEFIRA WESTON OWNER, LP;”

\$1.00 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 928816565, HELD IN THE NAME
OF “SEFIRA STONEWALL U.S. HOLDING,
INC.;”

\$ 158,824.54 IN UNITED STATES
CURRENCY FORMERLY CONTAINED IN
CHASE BANK ACCOUNT 928818298, HELD
IN THE NAME OF “SEFIRA STONEWALL
OWNER, LP;”

\$1,930,697.65 IN UNITED STATES
CURRENCY FORMERLY CONTAINED IN
CHASE BANK ACCOUNT 919596713, HELD

IN THE NAME OF "SEFIRA PEPPER OWNER, :
LP;" :

\$68.00 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 157793552, HELD IN THE NAME :
OF "SEFIRA OZARKS MANAGER, LLC;" :

\$1.00 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 912295172, HELD IN THE NAME :
OF "SEFIRA OZARKS U.S. HOLDING, INC.;" :

\$5,009.48 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 912301871, HELD IN THE NAME :
OF "SEFIRA OZARKS OWNER, LP;" :

\$60.00 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 131768852, HELD IN THE NAME :
OF "SEFIRA COURTHOUSE MANAGER, :
LLC;" :

\$5,475.43 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 133881729, HELD IN THE NAME :
OF "SEFIRA COURTHOUSE OWNER, LP;" :

\$0.11 IN UNITED STATES CURRENCY :
FORMERLY CONTAINED IN CHASE BANK :
ACCOUNT 828529375, HELD IN THE NAME :
OF "SEFIRA COCOA BEACH U.S. HOLDING, :
INC.;" :

\$ 823,965.83 IN UNITED STATES :
CURRENCY FORMERLY CONTAINED IN :

CHASE BANK ACCOUNT 828500202, HELD
IN THE NAME OF "SEFIRA COCOA BEACH
OWNER, LP;" :

\$18,966.72 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 851585039, HELD IN THE NAME
OF "SEFIRA CYPRESS U.S., LLC;" :

\$796,198.00 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 851553102, HELD IN THE NAME
OF "SEFIRA CYPRESS U.S. HOLDING, INC.;" :

\$2,720.65 IN UNITED STATES CURRENCY
FORMERLY CONTAINED IN CHASE BANK
ACCOUNT 870781510, HELD IN THE NAME
OF "SEFIRA ACQUISITIONS, LLC;" :

ALL RIGHT, TITLE AND INTEREST OF
SEFIRA TYSONS OWNER, LP, HELD
DIRECTLY OR INDIRECTLY, IN THE REAL
PROPERTY AND APPURTENANCES
LOCATED AT 7801 LEESBURG PIKE, FALLS
CHURCH, VIRGINIA, KNOWN AS "WESTIN
TYSONS CORNER HOTEL," WITH ALL
IMPROVEMENTS AND ATTACHMENT
THEREON; :

ALL RIGHT TITLE AND INTEREST OF
SEFIRA IVY OWNER, LP, HELD DIRECTLY
OR INDIRECTLY, IN THE REAL PROPERTY
AND APPURTENANCES LOCATED AT 625
PIEDMONT AVENUE NE, ATLANTA,
GEORGIA, KNOWN AS "IVY HALL
APARTMENTS," WITH ALL
IMPROVEMENTS AND ATTACHMENTS
THEREON; AND :

ALL RIGHT TITLE AND INTEREST OF

SEFIRA EAGLE OWNER, LP, HELD
DIRECTLY OR INDIRECTLY, IN THE REAL
PROPERTY AND APPURTENANCES
LOCATED AT 100 MALAGA WAY (1200
ACADEMIC PARKWAY), LOCUST GROVE,
GEORGIA, KNOWN AS "EAGLE'S BROOKE
APARTMENTS," WITH ALL
IMPROVEMENTS AND ATTACHMENTS
THEREON

Defendants-in-rem.

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Andrew L. Carter, Jr., District Judge:

This Stipulation and Order of Settlement ("Stipulation and Order") is entered into by and among Sefira Capital LLC, Sefira Tysons Manager, LLC, Sefira Tysons U.S. Holding, Inc., Sefira Tysons Owner, LP, Sefira Ivy Manager, LLC, Sefira Ivy Owner, LP, Sefira Eagle Manager, LLC, Sefira Eagle Owner, LP, Sefira Lofts Manager, LLC, Sefira Renaissance Manager, LLC, Sefira Town Center Owner, LP, Sefira Webb Bridge Manager, LLC, Sefira Webb Bridge Owner, LP, Sefira Weston Manager, LLC, Sefira Weston U.S. Holding, LLC, Sefira Weston Owner, LP, Sefira Stonewall U.S. Holding, Inc., Sefira Stonewall Owner, LP, Sefira Pepper Owner, LP, Sefira Ozarks Manager, LLC, Sefira Ozarks U.S. Holding, Inc., Sefira Ozarks Owner, LP, Sefira Courthouse Manager, LLC, Sefira Courthouse Owner, LP, Sefira Cocoa Beach U.S. Holding, Inc., Sefira Cocoa Beach Owner, LP, Sefira Cypress U.S., LLC, Sefira Cypress U.S. Holding, Inc., Sefira Acquisitions, LLC, Sefira Tysons Owner, LP, Sefira Ivy Owner, LP, and Sefira Eagle Owner, LP (collectively, "Sefira") and the United States of America (the "United States"), by its attorney Audrey Strauss, Acting United States Attorney,

Assistant United States Attorneys Aline R. Flodr and Sheb Swett, of counsel.

WHEREAS, on or about January 8, 2021, the United States filed a Verified Complaint seeking to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(A) and Title 21, United States Code, Section 881, the following assets and interests (the "Forfeiture Complaint"):

- a. \$97.18 in United States currency formerly contained in Chase Bank account 932729168, held in the name of "Sefira Tysons Manager, LLC";
- b. \$380.00 in United States currency formerly contained in Chase Bank account 932705036, held in the name of "Sefira Tysons U.S. Holding, Inc.";
- c. \$320,823.20 in United States currency formerly contained in Chase Bank account 932735991, held in the name of "Sefira Tysons Owner, LP";
- d. \$2.00 in United States currency formerly contained in Chase Bank account 293919392, held in the name of "Sefira Ivy Manager, LLC";
- e. \$23,686.00 in United States currency formerly contained in Chase Bank account 293916521, held in the name of "Sefira Ivy Owner, LP";
- f. \$13.01 in United States currency formerly contained in Chase Bank account 317381827, held in the name of "Sefira Eagle Manager, LLC";
- g. \$511,234.82 in United States currency formerly contained in Chase Bank account 317505912, held in the name of "Sefira Eagle Owner, LP";
- h. \$8,642,406.99 in United States currency formerly contained in Chase Bank account 317399811, held in the name of "Sefira Lofts Manager,

- LLC”;
- i. \$8,692,483.00 in United States currency formerly contained in Chase Bank account 362983907, held in the name of “Sefira Renaissance Manager, LLC”;
 - j. \$531,446.30 in United States currency formerly contained in Chase Bank account 109716388, held in the name of “Sefira Town Center Owner, LP”;
 - k. \$181.00 in United States currency formerly contained in Chase Bank account 932699650, held in the name of “Sefira Webb Bridge Manager, LLC”;
 - l. \$10,849.25 in United States currency formerly contained in Chase Bank account 935585377, held in the name of “Sefira Webb Bridge Owner, LP”;
 - m. \$8.00 in United States currency formerly contained in Chase Bank account 215827350, held in the name of “Sefira Weston Manager, LLC”;
 - n. \$1.00 in United States currency formerly contained in Chase Bank account 215832822, held in the name of “Sefira Weston U.S. Holding, LLC”;
 - o. \$5,054.75 in United States currency formerly contained in Chase Bank account 215815355, held in the name of “Sefira Weston Owner, LP”;
 - p. \$1.00 in United States currency formerly contained in Chase Bank account 928816565, held in the name of “Sefira Stonewall U.S. Holding, Inc.”;
 - q. \$158,824.54 in United States currency formerly contained in Chase Bank

- account 928818298, held in the name of “Sefira Stonewall Owner, LP”;
- r. \$1,930,697.65 in United States currency formerly contained in Chase Bank account 919596713, held in the name of “Sefira Pepper Owner, LP”;
- s. \$68.00 in United States currency formerly contained in Chase Bank account 157793552, held in the name of “Sefira Ozarks Manager, LLC”;
- t. \$1.00 in United States currency formerly contained in Chase Bank account 912295172, held in the name of “Sefira Ozarks U.S. Holding, Inc.”;
- u. \$5,009.48 in United States currency formerly contained in Chase Bank account 912301871, held in the name of “Sefira Ozarks Owner, LP”;
- v. \$60.00 in United States currency formerly contained in Chase Bank account 131768852, held in the name of “Sefira Courthouse Manager, LLC”;
- w. \$5,475.43 in United States currency formerly contained in Chase Bank account 133881729, held in the name of “Sefira Courthouse Owner, LP”;
- x. \$0.11 in United States currency formerly contained in Chase Bank account 828529375, held in the name of “Sefira Cocoa Beach U.S. Holding, Inc.”;
- y. \$823,965.83 in United States currency formerly contained in Chase Bank account 828500202, held in the name of “Sefira Cocoa Beach Owner, LP”;
- z. \$18,966.72 in United States currency formerly contained in Chase Bank account 851585039, held in the name of “Sefira Cypress U.S., LLC”;
- aa. \$796,198.00 in United States currency formerly contained in Chase Bank

account 851553102, held in the name of “Sefira Cypress U.S. Holding, Inc.”;

bb. \$2,720.65 in United States currency formerly contained in Chase Bank account 870781510, held in the name of “Sefira Acquisitions, LLC”;

(1.a through 1.bb collectively totaling \$22,480,654.91, the “Defendants in Rem Currency”);

cc. all right, title and interest of Sefira Tysons Owner, LP, held directly or indirectly, in the real property and appurtenances located at 7801 Leesburg Pike, Falls Church, Virginia, known as “Westin Tysons Corner Hotel,” with all improvements and attachment thereon;

dd. all right title and interest of Sefira Ivy Owner, LP, held directly or indirectly, in the real property and appurtenances located at 625 Piedmont Avenue NE, Atlanta, Georgia, known as “Ivy Hall Apartments,” with all improvements and attachments thereon; and

ee. all right title and interest of Sefira Eagle Owner, LP, held directly or indirectly, in the real property and appurtenances located at 100 Malaga Way (1200 Academic Parkway), Locust Grove, Georgia, known as “Eagle’s Brooke Apartments,” with all improvements and attachments thereon

(1.cc through 1.ee collectively, the “Defendants in Rem Real Property Interests.”).

WHEREAS, on or about January 29, 2019, agents of the United States Drug Enforcement Administration (“DEA”) seized the Defendants in Rem Currency pursuant to a warrant issued as part of a DEA investigation;

WHEREAS, certain investors unrelated to Sefira possess certain rights, titles, and interests in and to the Defendants in Rem Real Property Interests as described in the Forfeiture Complaint;

WHEREAS, this Stipulation is being entered into solely for the purpose of compromising disputed claims and avoiding the expenses and risks of litigation, and nothing contained in this Stipulation shall constitute or be construed to constitute an admission of liability, fault, guilt, or wrongdoing on part of Sefira or its owners, principals, partners, or officers, who expressly deny any fault, liability, or wrongdoing;

WHEREAS, the United States has not filed any criminal charges against Sefira; and

WHEREAS, the United States and Sefira have agreed to settle the allegations in the Forfeiture Complaint without further litigation on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between the United States, by and through its attorneys, Audrey Strauss, Acting United States Attorney for the Southern District of New York, and Assistant United States Attorneys Aline R. Flodr and Sheb Swett, on the one hand, and Sefira, by and through its attorney, Daniel L. Stein, on the other, that:

1. Sefira hereby consents to the forfeiture to the United States of the Defendants in Rem Currency.
2. In lieu of the forfeiture of the Defendants in Rem Real Property Interests, Sefira shall pay \$6,519,345.09 to the United States (the "Payment") within 30 days of entry of this Stipulation and Order of Settlement ("Stipulation and Order") on the court docket, pursuant

to wire transfer instructions provided by the United States. The Payment shall constitute a substitute *res* for the Defendants in Rem Real Property Interests, and Sefira hereby consents to the forfeiture to the United States of the Payment.

3. Upon the United States' receipt of the Payment from Sefira, the United States hereby releases and deems satisfied all forfeiture claims against Sefira (as the term "Sefira" defined in this section (3)) arising from any and all transactions described in the Forfeiture Complaint. For purposes of this section (3) only, the term "Sefira" shall be limited to mean, collectively, only the following entities: Sefira Capital LLC, Sefira Acquisitions LLC, and the related entities and accounts bearing variations of the name "Sefira [Project Name]" as described in Paragraphs (9) and (10) of the Forfeiture Complaint, consisting of the following Sefira Projects: Sefira AL MISS, Sefira City Gate, Sefira Cocoa Beach, Sefira Columbia, Sefira Courthouse, Sefira Cypress, Sefira Eagle, Sefira Ivy, Sefira Lofts, Sefira Ozarks, Sefira Pepper, Sefira Renaissance, Sefira Stonewall, Sefira Town Center, Sefira Tysons, Sefira Webb Bridge, and Sefira Weston.

4. Sefira is hereby barred from asserting, or assisting others in asserting, any claim against the United States, or its agencies, agents, or employees, including, but not limited to, the DEA, the Department of Justice ("DOJ"), the U.S. Attorney's Office for the Southern District of New York ("USAO-SDNY"), the United States Marshals Service ("USMS"), or any agents and employees of the United States, the DEA, the DOJ, the USAO-SDNY, or the USMS in connection with or arising out of the seizure, restraint, and/or constructive possession of the Defendants in Rem Currency or the Defendants in Rem Real Property Interests, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the Defendants

in Rem Currency or the Defendants in Rem Real Property Interests, that Sefira is a prevailing party, or that Sefira is entitled to attorney's fees or any award of interest.

5. Sefira represents that it is an owner of the Defendants in Rem Currency, and agrees to hold harmless the United States, the DEA, the DOJ, the USAO-SDNY, and the USMS as well as any and all employees, officers, and agents of the United States, the DEA, the DOJ, the USAO-SDNY, and the USMS from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the Defendants in Rem Currency, including but not limited to any third-party claims of ownership of the Defendants in Rem Currency.

6. Sefira Capital LLC, and its owners, principals, and officers, hereby agree to conduct due diligence on future investors in any investments offered, arranged, managed, or controlled by Sefira Capital LLC, or its owners, principals, subsidiaries or successor entities, in a manner that is reasonably designed to prevent the receipt of funds derived from criminal sources. This due diligence will include a reasonable investigation regarding the source of the investment funds and the means by which the funds are transferred to any accounts controlled by Sefira Capital LLC, or its owners, principals, subsidiaries or successor entities. Additionally, Sefira Capital LLC agrees that it will not accept, and will not permit its owners, principals, partners, or officers to accept, through or on behalf of any entity controlled by Sefira Capital LLC or its owners, principals, subsidiaries or successor entities, investment funds transmitted from any investor or potential investor from any bank account other than a bank account titled in the name of, beneficially owned by, or controlled by such investor or potential investor.

7. Nothing in this Stipulation and Order shall prevent Sefira from distributing funds to its current investors.

8. Sefira hereby agrees to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

9. Each party shall bear its own costs and attorney's fees.

10. This Stipulation and Order may be executed in counterparts, each of which shall constitute an original as against the party whose signature appears on it. All executed counterparts shall be deemed to be one and the same instrument. This Stipulation and Order shall become binding when one or more counterparts, individually or taken together, bears the signature of all parties.

11. A facsimile or electronic image of the original signature of any party executing this Stipulation and Order shall be deemed an original signature and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York
Attorney for the United States

By:



ALINE R. FLODR
SHEB SWETT
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-6522

January 11, 2021

DATE

SEFIRA CAPITAL LLC

SEFIRA TYSONS MANAGER, LLC
SEFIRA TYSONS U.S. HOLDING, INC.
SEFIRA TYSONS OWNER, LP
SEFIRA IVY MANAGER, LLC
SEFIRA IVY OWNER, LP
SEFIRA EAGLE MANAGER, LLC
SEFIRA EAGLE OWNER, LP
SEFIRA LOFTS MANAGER, LLC
SEFIRA RENAISSANCE MANAGER, LLC
SEFIRA TOWN CENTER OWNER, LP
SEFIRA WEBB BRIDGE MANAGER, LLC
SEFIRA WEBB BRIDGE OWNER, LP
SEFIRA WESTON MANAGER, LLC
SEFIRA WESTON U.S. HOLDING, LLC
SEFIRA WESTON OWNER, LP
SEFIRA STONEWALL U.S. HOLDING, INC.
SEFIRA STONEWALL OWNER, LP
SEFIRA PEPPER OWNER, LP
SEFIRA OZARKS MANAGER, LLC
SEFIRA OZARKS U.S. HOLDING, INC.
SEFIRA OZARKS OWNER, LP
SEFIRA COURTHOUSE MANAGER, LLC
SEFIRA COURTHOUSE OWNER, LP
SEFIRA COCOA BEACH U.S. HOLDING, INC.
SEFIRA COCOA BEACH OWNER, LP
SEFIRA CYPRESS U.S., LLC
SEFIRA CYPRESS U.S. HOLDING, INC.
SEFIRA ACQUISITIONS, LLC
SEFIRA TYSONS OWNER, LP
SEFIRA IVY OWNER, LP
SEFIRA EAGLE OWNER, LP

ABY GALSKY



MICHAEL ATTIAS

DATE

1/11/2021

DATE

SEFIRA TYSONS MANAGER, LLC
SEFIRA TYSONS U.S. HOLDING, INC.
SEFIRA TYSONS OWNER, LP
SEFIRA IVY MANAGER, LLC
SEFIRA IVY OWNER, LP
SEFIRA EAGLE MANAGER, LLC
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SEFIRA ACQUISITIONS, LLC
SEFIRA TYSONS OWNER, LP
SEFIRA IVY OWNER, LP
SEFIRA EAGLE OWNER, LP




ABY GALSKY

JANUARY 11, 2021
DATE


MIJAEL ATTIAS

DATE

By: 
DANIEL L. STEIN, ESQ.
Mayer Brown
1221 Avenue of the Americas
New York, NY 10020-1001
United States of America
212-506-2646
Attorney for Sefira Capital LLC

1-11-21
DATE

SO ORDERED:


HONORABLE ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

January 13, 2021